

# RICHES, MCKENZIE & HERBERT LLP

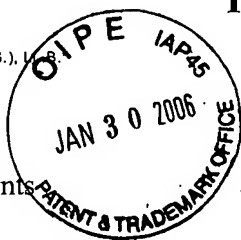
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CONTINUING THE PRACTICE OF  
GEORGE H. RICHES AND ASSOCIATES  
ESTABLISHED 1887



January 27, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Attn: Examiner BERHANE, Adolf D.  
Examination Group Art Unit 2838

Re: Applicant: DASGUPTA, Sankar; JACOBS; James K. and BHOLA, Rakesh  
Owner: ELECTROVAYA INC.  
Patent Application in U.S.A.

Serial No. : 10/661813 Filing Date: September 15, 2003  
Our Case : P63902  
Title : Energy Storage Device for Loads Having  
Variable Power Rates

**OFFICE ACTION MAILED SEPTEMBER 28, 2005**

**DUE DATE : DECEMBER 28, 2005**

**ONE MONTH EXTENSION OF TIME TO JANUARY 28, 2006**

Dear Sirs:

Submitted herewith is a response to the Office Action mailed September 28, 2005.

## PROVISIONAL REQUEST FOR EXTENSION OF TIME

It is hereby petitioned that, under 37 CFR 1.136, the response term in this application be extended, if necessary, to a date which includes the filing date of the present amendment.

A cheque in the amount of \$60.00 is enclosed for payment of the extension fee for one-month for a small entity.

The Commissioner is hereby authorized to charge any additional necessary extension fees to Deposit Account No. 18-1350 under an order number corresponding to our file Case No. P63902.

Respectfully submitted,

**RICHES, MCKENZIE & HERBERT LLP**

By: 

Jeff Pervanas  
Reg. No. 41,543

JP/cbo  
Encls.  
Ret. Ack. Card  
Response  
Fee of \$60.00 (Cheque Enclosed)

01/31/2006 HAL111 00000068 10661813

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